

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:17-14106 Moises Fonseca

Chapter 13

#1.00 Hrg re motion in individual case for order imposing a stay or continuing the automatic stay

Docket 10

Tentative Ruling:

5/3/17

Debtor's motion to impose or continue the automatic stay is granted. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

No timely opposition has been filed. Accordingly, no court appearance by the movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Moises Fonseca

Represented By
Thomas B Ure

Movant(s):

Moises Fonseca

Represented By
Thomas B Ure

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:17-14213 Moo Sung Kim

Chapter 13

#2.00 Motion for relief from the automatic stay
or for order confirming that the stay does
not apply

FLINKMAN MANAGEMENT, INC.
vs
DEBTOR

ECF [UD] Harry Floyd, atty/movant

Docket 7

Tentative Ruling:

5/3/17

The motion is granted under 11 U.S.C. §362(d)(1) and (2). The 14-day stay provided by FRBP 4001(a)(3) is waived. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

No timely opposition has been filed. Accordingly, no court appearance by the movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Moo Sung Kim

Pro Se

Movant(s):

Flinkman Management, Inc.

Represented By
Harry E Floyd

**United States Bankruptcy Court
Central District of California
Los Angeles
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Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

CONT... Moo Sung Kim

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:16-15336 Jose Francisco Chanchavac, Sr. and Sandra Victoria

Chapter 7

#3.00 Motion for relief from stay

M&T BANK as Attorney in Fact for Lakeview
Loan Servicing, LLC
vs
DEBTORS and TRUSTEE

ECF [real prop.] Merdaud Jafarnia, atty/movant

fr. 11-30-16, 1-18-17, 3-22,

Docket 36

Tentative Ruling:

5/3/17

This motion was withdrawn on 4/11/17. Appearances waived.

3/22/17

By stipulation of the parties and per order of the Court entered on 3/8/17, this hearing is continued to 5/3/17 at 8:30 a.m. Appearances waived.

1/18/17

By stipulation of the parties and per order of the Court entered on 1/4/17, this hearing is continued to 3/22/17 at 8:30 a.m. Appearances waived.

11/30/16

By stipulation of the parties and per order of the Court entered on 10/31/16, this hearing is continued to 1/18/17 at 8:30 a.m. Appearances waived.

Party Information

Debtor(s):

Jose Francisco Chanchavac Sr.

Represented By
Cynthia Grande

**United States Bankruptcy Court
Central District of California
Los Angeles
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Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

CONT... Jose Francisco Chanchavac, Sr. and Sandra Victoria

Chapter 7

Joint Debtor(s):

Sandra Victoria Chanchavac

Represented By
Cynthia Grande

Movant(s):

M&T Bank as Attorney in Fact for

Represented By
Merdaud Jafarnia

Trustee(s):

Brad D Krasnoff (TR)

Represented By
Aaron E De Leest
Eric P Israel

**United States Bankruptcy Court
Central District of California
Los Angeles
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Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:17-10021 Hector Gary Gutierrez

Chapter 7

#4.00 Motion for relief from stay

WELLS FARGO BANK, N.A.
vs
DEBTOR

ECF [real prop.] Joseph Delmotte, atty/movant

Docket 30

Tentative Ruling:

5/3/17

The motion is granted under 11 U.S.C. §362(d)(1) and (4). The 14-day stay provided by FRBP 4001(a)(3) is waived. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

No timely opposition has been filed. Accordingly, no court appearance by the movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Hector Gary Gutierrez

Represented By
Luis G Torres

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Joseph C Delmotte

Trustee(s):

Sam S Leslie (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:17-10777 Robert Ramos

Chapter 7

#5.00 Motion for relief from stay

BANK OF NEW YORK MELLON TRUST CO.
vs
DEBTOR

ECF [real prop.] Sean Ferry, atty/movant

Docket 23

Tentative Ruling:

5/3/17

Appearances required.

Party Information

Debtor(s):

Robert Ramos

Represented By
Glenn Ward Calsada

Movant(s):

Bank of New York Mellon Trust

Represented By
Sean C Ferry

Trustee(s):

Carolyn A Dye (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:17-11191 Kevin Monroe Maxwell and Juliana Williams Maxwell

Chapter 7

#6.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC
vs
DEBTORS

ECF [real prop.] Brandye Foreman, atty/movant

Docket 16

Tentative Ruling:

5/3/17

The motion is granted under 11 U.S.C. §362(d)(1) and (2). The 14-day stay provided by FRBP 4001(a)(3) is waived. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

No timely opposition has been filed. Accordingly, no court appearance by the movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Kevin Monroe Maxwell

Represented By
Christine A Kingston

Joint Debtor(s):

Juliana Williams Maxwell

Represented By
Christine A Kingston

Movant(s):

Nationstar Mortgage LLC

Represented By
Brandye N Foreman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

CONT... Kevin Monroe Maxwell and Juliana Williams Maxwell

Chapter 7

Trustee(s):

Heide Kurtz (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:11-48951 Soon Ja Kim

Chapter 13

#7.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON
vs
DEBTOR

ECF [real prop.] Erin McCartney, atty/movant

Docket 61

Tentative Ruling:

5/3/17

The motion is granted under 11 U.S.C. §362(d)(1) and (4). The 14-day stay provided by FRBP 4001(a)(3) is waived. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

No timely opposition has been filed. Accordingly, no court appearance by the movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Soon Ja Kim

Represented By
Matthew D Resnik
S Renee Sawyer Blume

Movant(s):

The Bank of New York Mellon fka

Represented By
Erin M McCartney

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:15-11120 Francisco Aguilar

Chapter 13

#8.00 Motion for relief from stay

U.S. BANK, N.A.

vs

DEBTOR and TRUSTEE

ECF [real prop.] Brandye Foreman, atty/movant

fr. 11-30-16, 2-8-17,

Docket 52

Tentative Ruling:

5/3/17

Appearances required.

2/8/17

Appearances required.

11/30/16

Appearances required.

Party Information

Debtor(s):

Francisco Aguilar

Represented By
Justin D Graham

Movant(s):

U.S. Bank National Association, as

Represented By
Brandye N Foreman

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
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Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:15-22404 Alfred Esquivel

Chapter 13

#9.00 Motion for relief from stay

WELLS FARGO BANK, N.A.
vs
DEBTOR

ECF [real prop.] Brandye Foreman, atty/movant
fr. 3-8-17

Docket 31

Tentative Ruling:

5/3/17

Appearances required.

3/8/17

The motion is granted under 11 U.S.C. §362(d)(1). The 14-day stay provided by FRBP 4001(a)(3) is waived. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

No timely opposition has been filed. Accordingly, no court appearance by the movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Alfred Esquivel

Represented By
Leonard Pena

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Brandye N Foreman

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
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Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

CONT... Alfred Esquivel

Rebecca Samuell

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:15-23234 Rudolph Cortez Sanchez

Chapter 13

#10.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC
vs
DEBTOR

ECF [real prop.] Brandye Foreman, atty/movant

Docket 29

Tentative Ruling:

5/3/17

Appearances required.

Party Information

Debtor(s):

Rudolph Cortez Sanchez

Represented By
Richard Mark Garber

Movant(s):

Nationstar Mortgage, LLC.

Represented By
Aaron Meaux
Brandy N Foreman

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:16-10575 Carolyn Andrillion

Chapter 13

#11.00 Motion for relief from stay

U.S. BANK TRUST, N.A.
vs
DEBTOR

ECF [real prop.] Christina J. O., atty/movant

Docket 65

Tentative Ruling:

5/3/17

The motion is granted under 11 U.S.C. §362(d)(1) and (4). The 14-day stay provided by FRBP 4001(a)(3) is waived. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

No timely opposition has been filed. Accordingly, no court appearance by the movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Carolyn Andrillion

Represented By
Andy C Warsaw

Movant(s):

U.S. Bank Trust, N.A. as Trustee for

Represented By
Christina J O

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:16-13334 Armando Sandoval

Chapter 13

#12.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO.
vs
DEBTOR

ECF [real prop.] Mark Estle, atty/movant

Docket 32

Tentative Ruling:

5/3/17

The motion is granted under 11 U.S.C. §362(d)(1). The 14-day stay provided by FRBP 4001(a)(3) is waived. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

No timely opposition has been filed. Accordingly, no court appearance by the movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Armando Sandoval

Represented By
Thomas B Ure

Movant(s):

Deutsche Bank National Trust

Represented By
Mark D Estle

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:16-16404 Rabbi Mendoza

Chapter 13

#13.00 Motion for relief from stay

WELLS FARGO BANK, N.A.
vs
DEBTOR

ECF [real prop.] DeMarcus Jones, atty/movant

Docket 34

Tentative Ruling:

5/3/17

Appearances required.

Party Information

Debtor(s):

Rabbi Mendoza

Represented By
Brad Weil

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Merdaud Jafarnia
Rosemary Allen
William P Barrett
DeMarcus Jones

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:16-16492 Emmanuel C Glinoga

Chapter 13

#14.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO.
vs
DEBTOR

ECF [real prop.] Sean Perry, atty/movant

Docket 36

Tentative Ruling:

5/3/17

The motion is granted under 11 U.S.C. §362(d)(1). The request that the codebtor stay be lifted is granted. The 14-day stay provided by FRBP 4001 (a)(3) is waived. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

No timely opposition has been filed. Accordingly, no court appearance by the movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Emmanuel C Glinoga

Represented By
S Renee Sawyer Blume

Movant(s):

Deutsche Bank National Trust

Represented By
April Harriott
Can Guner
Matthew R. Clark
Sean C Ferry

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

CONT... Emmanuel C Glinoga

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:16-22396 David Duane Hooper

Chapter 13

#15.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO.
vs
DEBTOR

ECF [real prop.] Sean Ferry, atty/movant

Docket 44

Tentative Ruling:

5/3/17

The motion is granted under 11 U.S.C. §362(d)(1). The 14-day stay provided by FRBP 4001(a)(3) is waived. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

No timely opposition has been filed. Accordingly, no court appearance by the movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

David Duane Hooper

Represented By
Axel H Richter

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
April Harriott
Sean C Ferry

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:16-24817 Hector Benitez

Chapter 13

#16.00 Motion for relief from stay

U.S. BANK TRUST, N.A.
vs
DEBTOR and TRUSTEE

ECF [real prop.] Merdaud Jafarnia, atty/movant

Docket 30

Tentative Ruling:

5/3/17

Appearances required.

Party Information

Debtor(s):

Hector Benitez

Represented By
Dheeraj K Singhal

Movant(s):

U.S. Bank Trust, N.A., as Trustee

Represented By
Merdaud Jafarnia

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:16-24837 Mary Elizabeth Glynn

Chapter 13

#17.00 Motion for relief from stay APO ENT. 5/1/17

STEARNS LENDING, LLC
vs
DEBTOR

ECF [real prop.] Erin McCartney, atty/movant

Docket 33

Tentative Ruling:

5/3/17

The motion for relief from stay has been resolved by stipulation of the parties per order of the Court entered on 5/1/17. Appearances waived.

Party Information

Debtor(s):

Mary Elizabeth Glynn

Represented By
S Renee Sawyer Blume
Matthew D Resnik

Movant(s):

Stearns Lending, LLC

Represented By
Erin M McCartney

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:17-13346 Michael Jones

Chapter 13

#18.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON
vs
DEBTOR

ECF [real prop.] Erin McCartney, atty/movant

Docket 11

Tentative Ruling:

5/3/17

The motion is granted under 11 U.S.C. §362(d)(1) and (4). The 14-day stay provided by FRBP 4001(a)(3) is waived. Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed order via LOU within 7 days of the hearing. Appearances waived.

No timely opposition has been filed. Accordingly, no court appearance by the movant is required. Should an opposing party file a late opposition or appear at the hearing, the Court will determine whether further hearing is required and movant will be so notified.

Party Information

Debtor(s):

Michael Jones

Pro Se

Movant(s):

The Bank of New York Mellon fka

Represented By
Erin M McCartney

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:17-14200 Donald Manuel Perry and Margaret Louanna Leake

Chapter 13

#18.10 Hrg re ex parte motion in individual case
for order imposing a stay or continuing
the automatic stay

Docket 20

Tentative Ruling:

5/3/17

Debtor's motion to impose or continue the automatic stay is granted.
Pursuant to LBR 9021-1(b)(1)(B), movant must serve and lodge a proposed
order via LOU within 7 days of the hearing. Appearances waived.

No timely opposition has been filed. Accordingly, no court appearance by the
movant is required. Should an opposing party file a late opposition or appear
at the hearing, the Court will determine whether further hearing is required
and movant will be so notified.

Party Information

Debtor(s):

Donald Manuel Perry

Represented By
David P Farrell

Joint Debtor(s):

Margaret Louanna Leake

Represented By
David P Farrell

Movant(s):

Margaret Louanna Leake

Represented By
David P Farrell
David P Farrell

Donald Manuel Perry

Represented By
David P Farrell
David P Farrell

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

CONT... Donald Manuel Perry and Margaret Louanna Leake

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

2:15-23360 Michael A. Lang

Chapter 13

#18.20 Motion for relief from stay

WELLS FARGO BANK, N.A.
vs
DEBTOR

ECF [real prop.] Dane Exnowski, atty/movant

fr. 2-1-17, 3-1, 4-19, 4-26,

Docket 36

Tentative Ruling:

5/3/17

Appearances required.

4/26/17

Appearances required.

4/19/17

This hearing is continued to 4/26/17 at 8:30 a.m. Appearances waived.

Hearings will not be held on 4/19/17. If you wish to have your matter heard by Judge Klein on a different date than 4/26/17, please contact her law clerk at (213) 894-0992 to obtain a different continued hearing date. If you wish to submit on the tentative ruling you do not need to do anything further (i.e., it is not necessary to contact chambers).

3/1/17

Appearances required.

2/1/17

By stipulation of the parties and per order of the Court entered on 1/30/17, this hearing is continued to 3/1/17 at 8:30 a.m. Appearances waived.

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
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Wednesday, May 03, 2017

Hearing Room 1575

8:30 AM

CONT... Michael A. Lang

Chapter 13

Debtor(s):

Michael A. Lang

Represented By
Louis J Esbin

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Dane W Exnowski
Corey Phuse

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

9:00 AM

2:14-26377 Young Sam Lee

Chapter 7

#19.00 Hrg re motion to hold Sung Sook Lee 4-26-17 - Ntc. of w/d - TJ
in contempt

Docket 112

Tentative Ruling:

5/3/17

Before the Court is a "Motion to Hold Movant Sung Sook Lee in Contempt" (Motion). Docket #112. In support of the Motion, Young Sam Lee (Sam) filed a 4/11/17 Declaration of Sam Lee (Sam 4/11/17 Decl.). Docket #112. On 4/19/17, Sung Sook Lee (Sung) filed an opposition (Opposition). Docket #115. In support of the Opposition, Sung filed a 4/18/17 Declaration of Lisa Yun, a 4/19/17 Declaration of Sung Sook Lee, and a 4/19/17 Declaration of Donald Yang. Docket #115. On 4/24/17, Sam filed a reply (Reply). Docket #116. On 4/26/17, Sam filed a notice of withdrawal (Withdrawal). Docket #117.

I. Facts

a. First Case

On 10/7/13, Sam filed a chapter 13 petition, In re Young Sam Lee, 13-34617-SK, Docket #1 (First Case). Sam listed his street address as 4001 Wilshire Blvd #F275, Los Angeles, CA 90010, and his mailing address as 1361 Stern Strauss Street, Fullerton, CA 92833. In re Young Sam Lee, 13-34617-SK, Docket #1 at 1. In "Schedule A – Real Property," Sam listed 2022 Arnold Way, Fullerton, CA 92833 (Arnold Property) and 2264 Simon St., Fullerton, CA 92833. In re Young Sam Lee, 13-34617-SK, Docket #1 at 9.

On 11/4/13, Sam filed a notice of conversion and the First Case was converted to chapter 7. In re Young Sam Lee, 13-34617-SK, Docket #s 8, 9. On 1/24/14, Sam filed a motion to convert the First Case from chapter 7 to chapter 13. In re Young Sam Lee, 13-34617-SK, Docket #27. On 2/14/14, the chapter 7 trustee filed a request to dismiss the First Case for failure to appear at the § 341(a) meeting. In re Young Sam Lee, 13-34617-SK, Docket

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9:00 AM

CONT... Young Sam Lee

Chapter 7

#29. On 3/6/14, Sam filed an amended motion to convert the First Case to chapter 13. In re Young Sam Lee, 13-34617-SK, Docket #32. On 7/31/14, the First Case was dismissed for failure to appear at the § 341(a) meeting. In re Young Sam Lee, 13-34617-SK, Docket #44. On 12/15/14, the First Case closed. In re Young Sam Lee, 13-34617-SK, Docket #48.

b. Current Case

i. Petition and Schedules

On 8/26/14, Sam filed a chapter 13 petition (Petition), In re Young Sam Lee, 14-26377-SK (Current Case). Docket #1. In his Petition, Sam listed 600 W. 9th St. #301, Los Angeles, CA 90015 as his street and mailing address (Los Angeles Property). Docket #1 at 1. Sam also filed a "Schedule A – Real Property," listing the Los Angeles Property as well as the Arnold Property. Docket #1 at 9.

On 9/2/14, Sam filed an "Amended Schedule A – Real Property" (9/2/14 Schedule A). Docket #7. The 9/2/14 Schedule A did not list the Los Angeles Property or the Arnold Property, but instead, indicated that Sam held an interest in 2290 Evans St., Fullerton, CA 92833 and that its value was \$1,000,000 (Evans Property). Docket #7 at 2. The 9/2/14 Schedule A also listed 16197 Lake Padden Lane, Fontana, CA 92336 (Fontana Property). Id. On 9/9/14, Sam filed another "Schedule A – Real Property," listing the Evans Property, the Fontana Property, the Los Angeles Property, and the Arnold Property (9/9/14 Schedule A). Docket #8.

On 9/23/14, Sam filed another amended "Schedule A – Real Property" (9/23/14 Schedule A), listing the Evans Property, the Fontana Property, the Los Angeles Property, and the Arnold Property. Docket #15 at 11. On 10/15/14, Sam filed yet another amended "Schedule A – Real Property" (10/15/14 Schedule A) in which he listed 811 N. Beaudry Ave., Los Angeles, CA 90012, but did not list any other properties. Docket #19 at 2. The 9/2/14 Schedule A and the 10/15/14 Schedule A indicated that Sam's street address was the Los Angeles Property. BK Docket #s 7, 19.

On 10/24/14, Sam filed a notice of conversion and the Current Case was

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converted to chapter 7. BK Docket #s 25, 26. On 8/29/16, Sam filed a "Summary of Amended Schedules, Master Mailing List, and/or Statements," to which he attached a "Voluntary Petition for Individuals Filing for Bankruptcy" (8/29/16 Document). Docket #100. The 8/29/16 Document indicated that Sam lived at the Los Angeles Property. Docket #100 at 4. The 8/29/16 Document also indicated that Sam's landlord had obtained an eviction judgment and that Sam wanted to stay in the residence. Docket # 100 at 5. Sam also attached an "Initial Statement About an Eviction Judgment Against You," stating that Sung, the landlord, had obtained a judgment for possession in an eviction, unlawful detainer action, or similar proceeding. Docket #100 at 10.

ii. Skyline Relief from Stay

1. Skyline RFS Motion

On 11/17/14, The Skyline Owners Association (Skyline) filed a motion for relief from stay regarding the Los Angeles Property (Skyline RFS Motion). Docket #37. Skyline sought relief from stay under § 362(d)(1) and (4) and waiver of the Federal Rule of Bankruptcy Procedure (FRBP) 4001(a)(3) 14-day stay. Docket #37 at 4-5. Skyline asserted the following facts:

1. On 3/8/10, Shin J. Byun transferred title to the Los Angeles Property to Tae Hoon Ko by grant deed recorded on 3/18/10.
2. On 1/4/10, Tae Hoon Ko filed a chapter 13 petition, In re Ko, 10-10156-BR, which was converted to chapter 7 on 5/3/10, and dismissed on 9/7/10.
3. On 8/9/10, Tae Hoon Ko transferred interests in the Los Angeles Property by grant deed to Tae Hoon Ko (80%), Doo M. Ko (5%), Eun H. Ko (5%), Stephen Ko (5%), and Shin J. Byun (5%). The grant deed was recorded on 8/18/10.
4. On 8/9/10, Eun Ko filed a chapter 13 petition, In re Ko, 10-21036-TA, which was dismissed on 9/23/10.

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5. On 11/5/10, Eun Ko filed a chapter 13 petition, In re Ko, 10-57704-ER, which was converted to chapter 7 on 2/17/11, and dismissed on 10/27/11.
6. On 2/4/13, Eun Ko filed a chapter 13 petition, In re Ko, 13-11978-MH, which was converted to chapter 7 on 2/7/13 and dismissed on 5/31/13.
7. On 8/26/14, Tae Hoon Ko transferred interests in the Los Angeles Property by grant deed to Tae Hoon Ko (70%), Sam (10%), Doo M. Ko (5%), Eun H. Ko (5%), Stephen Ko (5%), and Shin J. Byun (5%). The grant deed was recorded on 8/26/14.

Docket #37 at 11. The Skyline RFS Motion was set for hearing on 12/10/14 at 8:30 a.m. (12/10/14 Hearing). Docket #38. Under Local Bankruptcy Rule (LBR) 9013-1(f). oppositions were due on 11/26/14.

On 12/5/14, Sam filed an opposition to the Skyline RFS Motion, which was written like a complaint and contained causes of action for intentional misrepresentation, negligent misrepresentation, breach of fiduciary duty, unfair debt collection practices, predatory lending practices, quiet title, declaratory relief, injunctive relief, and an accounting. Docket #41.

The day before the 12/10/14 Hearing, the Court issued a tentative ruling indicating that no timely opposition had been filed, tentatively granting the Skyline RFS Motion under § 362(d)(1) and (4) and waiving the FRBP 4001(a) (3) 14-day stay, and waiving appearances. There were no appearances at the 12/10/14 Hearing. On 12/19/14, the Court entered an order granting the Skyline RFS Motion (12/19/14 Order). Docket #44.

2. Skyline RFS Reconsideration Motion

On 1/5/15, Sam filed a motion for reconsideration of the 12/19/14 Order, which was set for hearing on 2/24/15 at 9:00 a.m. (Skyline RFS Reconsideration Motion and 2/24/15 Hearing). Docket #s 47, 49, 50. On 2/24/15, the Court issued a tentative ruling indicating its intent to deny the Skyline RFS Reconsideration Motion and waiving appearances. There were no appearances at the 2/24/15 Hearing. On 2/25/15, the Court entered an

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order denying the Skyline RFS Reconsideration Motion. Docket #53.

3. Skyline Contempt Motion

On 2/25/15, Sam filed a motion to hold Skyline in contempt, arguing that Skyline foreclosed on the Los Angeles Property on 12/30/14 (Skyline Contempt Motion). Docket #56. To date, Sam has not set the Skyline Contempt Motion for hearing. LBR 9013-1(b)(2) (providing that parties must self-set motions for hearing in accordance with the judge's calendaring instructions).

iii. Sung Relief from Stay

1. Sung RFS Motion

On 3/6/17, Sung filed a motion for relief from stay regarding the Los Angeles Property (Sung RFS Motion). Docket #105. Sung sought relief from stay under § 362(d)(1) and (2), annulment of the automatic stay, waiver of the co-debtor stay and the FRBP 4001(a)(3) 14-day stay, and in rem relief. Docket # 105 at 4-5. Sung asserted the following facts:

1. On 1/4/10, Tae Hoon Ko filed a chapter 7 petition, which was dismissed on 9/7/10. In re Tae Hoon Ko, 10-10156-BR.
2. On 3/8/10, Shin J. Byun transferred title to the Los Angeles Property to Tae Hoon Ko by grant deed recorded on 3/18/10.
3. On 8/9/10, Tae Hoon Ko transferred title to the Los Angeles Property to Tae Hoon Ko (80%), Doo M. Ko (5%), Eun H. Ko (5%), Stephen Ko (5%), and Shin J. Byun (5%) by grant deed recorded on 8/18/10.
4. On 7/11/11, Shin J. Byun filed a chapter 7 petition, which was dismissed on 12/8/11, In re Byun, 11-39562-SK.
5. On 10/23/12, Shin Byun filed a chapter 7 petition, which was dismissed on 3/20/13, In re Byun, 12-33898-MH.

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6. On 10/7/13, Sam filed the First Case which was dismissed on 7/31/14.
In re Young Sam Lee, 13-34617-SK.
7. On 8/26/14, Tae Hoon Ko transferred title to the Los Angeles Property to Tae Hook Ko (70%), Sam (10%), Doo M. Ko (5%), Eun H. Ko (5%), Stephen Ko (5%), and Shin J. Byun (5%) by grant deed recorded on 8/26/14.
8. On 8/26/14, Sam filed the Petition.
9. On 4/20/15, Sung purchased the Los Angeles Property at a foreclosure auction.
10. On 5/6/15, a trustee's deed upon sale (TDUS) was recorded.
11. On 5/18/15, Shin J. Byun, Tae H. Ko, and all other occupants of the Los Angeles Property were served with a notice to quit.
12. On 7/23/15, Stephen Ko filed bankruptcy, In re Ko, 15-21578-WB.
13. On 10/1/15, Sung filed a complaint for unlawful detainer against Shin J. Byun, Tae H. Ko, Won Han, and Does 1 through 10.
14. On 12/22/15, Sam filed a prejudgment right to possession.
15. On 1/26/16, an unlawful detainer judgment was entered against Shin J. Byun, Tae H. Ko, Won Han, Sam, and Jun Kim, and a writ of possession was issued.
16. On 5/5/16, Stephen Ko was granted a claim of right to possession, and the writ of possession was vacated.
17. On 6/8/16, Sung was notified by Sung's attorney that Stephen Ko had notified Sung's attorney that his bankruptcy, In re Ko, 15-21578-WB, was reinstated. This was the first time Sung learned of Stephen Ko's bankruptcy, and Sung immediately ceased all activity.

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18. On 8/25/16, Stephen Ko's bankruptcy case was dismissed.
19. On 12/1/16, a judgment was entered against Stephen Ko and a writ of possession was issued against Shin J. Byun, Tae H. Ko, Sam, Jung Kim, and Stephen Ko.
20. On 12/7/16, Sung's attorney received via facsimile a notice of stay of proceedings filed by Sam. Before 12/7/16, no one had notified Sung that Sam had a pending bankruptcy case. Sung immediately ceased all activity.

Docket #105 at 9-10, 11-12. The Sung RFS Motion was set for hearing on 3/29/17 at 8:30 a.m. (3/29/17 Hearing). Docket #106.

2. Sung RFS Opposition and Sung AP

On 3/15/17, Sam filed an opposition (Sung RFS Opposition) and a complaint against Sung (Sung AP Complaint). Docket #s 107, 108. The Sung AP Complaint contains causes of action for violation of the Tom Bane Civil Rights Act, Violation of Civil Rights under 42 U.S.C. § 1983, Conspiracy Against Rights under 42 U.S.C. § 1985(3), Unlawful Eviction and Violation of the Automatic Stay, Abuse of Process, Fraud by Intentional Misrepresentation, Temporary Restraining Order, Preliminary Injunction, Permanent Injunction, Conspiracy to Participate in Racketeering, and Violation of RICO Act under 18 U.S.C. § 1962(d). Docket #107.

In the Sung RFS Opposition, Sam argued that he did not receive a copy of the Sung RFS Motion until 3/14/17, the stay should not be lifted until the AP Complaint was adjudicated, the TDUS was void and defective under California law, Sung was not the real party in interest, Sung violated the automatic stay by filing an unlawful detainer action, the amount of equity was in dispute, and Sung was never granted title by a valid grantor. See Docket # 108.

3. 3/29/17 Hearing and 4/3/17 Order

The day before the 3/29/17 Hearing, the Court issued the following tentative

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ruling: "Appearances required." Sam and Sung appeared at the 3/29/17 Hearing and were given an opportunity to be heard. After hearing argument, the Court granted the Sung RFS Motion under § 362(d)(1) and (2), as well as annulment of the automatic stay based on the factors outlined in In re Filested, 293 B.R. 12 (B.A.P. 9th Cir. 2003). The Court denied in rem relief. On 4/3/17, the Court entered an order granting the Sung RFS Motion under § 362(d)(1) and (2), annulling the automatic stay, and waiving the FRBP 4001 (a)(3) 14-day stay (4/3/17 Order). Docket #110.

On 4/11/17, Sam filed this Motion. On 4/17/17, Sam filed a motion for reconsideration of the 4/3/17 Order, which to date, he has not set for hearing. LBR 9013-1(b)(2) (providing that parties must self-set motions for hearing in accordance with the judge's calendaring instructions).

II. Arguments

a. Motion

Sam asserts the following. On 4/20/15, the lender and Sung foreclosed on the Los Angeles Property in violation of the automatic stay. Motion at 2. On 4/22/15, Sung's agent posted a notice of sale stating that Sung was the new owner, and on 5/18/15, Sung's attorney posted a notice to quit, in violation of the automatic stay. Id. On 5/20/15, Sung and her attorney intentionally disconnected a Key Fob without any court order. Id. at 3. About a month later, the attorney reconnected the Key Fob Id. On 10/1/15, Sung filed an unlawful detainer complaint. Id. Sam "notified his pending bankruptcy right after [Sung's] agent posted Notice of Sale & Notice of Quit in his house." Id. Sam contends that the trustee's deed upon sale is defective and the notice to quit is void because the trustee's deed upon sale was not recorded within 15 calendar days of the sale. Id. On 1/26/16, Sung wrongfully obtained a judgment against Sam. Id. at 4. Sam mailed a notice of stay proceeding to Sung's attorney on 11/14/16. Id. On 12/2/16, Sam visited the Los Angeles Superior Court, where he discovered that Sung had submitted an application of writ of execution/possession. Id. In December 2016, Sam faxed a notice of stay with a notice of bankruptcy to Sung's attorney's office. Id.

Sam argues that Sung lacks standing and is not the real party in interest. Id.

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Sam contends that the underlying foreclosure sale is being litigated based on substantial irregularities, improprieties, and noncompliance with California foreclosure law. Id. Sam requests an order requiring Sung to show cause why he should not be adjudged in civil contempt. Id.

b. Opposition

Sung asserts the following:

1. On 4/20/2015, the Los Angeles Property was sold to Sung and Sung Soo Won at a foreclosure auction.
2. On 5/6/15, the TDUS was recorded.
3. On 5/18/15, a notice to quit was served on Shun J. Byun, Take H. Ko, and all others in possession.
4. On 5/19/15, in response to the notice to quit, Sung's attorney received a letter from Won Han, a purported tenant, but there was no mention of Sam or Sam's bankruptcy in the letter.
5. On 10/1/15, Sung filed an unlawful detainer complaint against Shin J. Byun, Tae H. Ko, Won Han, and Does 1 through 10.
6. On 10/23/15, Tae Ko filed a demurrer. On 11/20/15, Shin Byun and Won Han filed a demurrer. The primary argument in both demurrers was that Sung lacked capacity to sue because the TDUS was recorded 16 days after the sale. Both demurrers were overruled.
7. On 12/7/15, Tae Ko, Shin Byun, and Won Han filed an answer and a motion for judgment on the pleadings, with the primary argument that Sung lacked capacity to sue because the TDUS was recorded 16 days after the sale. The motion for judgment on the pleadings was denied. Trial was set for 1/26/16.
8. On 12/22/15, Sam filed a prejudgment claim of right to possession, but did not notify Sung or Sung's attorneys of the bankruptcy filing.

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9. On 12/24/15, Sam and Jung Kim filed a motion to quash service of summons, which was denied.
10. On 1/12/16, Sung's attorney served a notice of ruling/notice of trial on Tae Ko, Shin Byun, Won Ham, and Sam.
11. On 1/19/16, Sam and Jung Lee filed a demurrer, scheduled to be heard on 2/16/16. Sam did not notify Sung or Sung's attorney of the bankruptcy filing.
12. On 1/26/16, a person purporting to be Tae Ko appeared at the trial and signed in, but left before the trial took place. An unlawful detainer judgment was entered against Shin Byun, Tae Ko, Won Han, Sam, and Jung Kim, and a writ of possession was eventually issued.
13. On 2/22/16, Sam and Jung Kim filed an answer and a motion for judgment on the pleadings, arguing that Sung lacked legal capacity to sue because the TDUS was recorded 16 days after the sale date. The matter was placed off calendar.
14. On 3/23/16, Sung's attorney filed and served on all defendants a notice of change of address for Yang & Kim, a Professional Law Corporation.
15. On 4/26/16, Stephen Ko filed a claim of right to possession.
16. On 5/5/16, Stephen Ko was granted a claim of right to possession and the writ of possession was vacated.
17. On 6/8/16, Sung's attorneys were notified that Stephen Ko's bankruptcy was reinstated. This was the first time Sung or Sung's attorneys were notified of Stephen Ko's bankruptcy. Immediately upon learning of Stephen Ko's bankruptcy, Sung ceased all activity.
18. On 8/25/16, Stephen Ko's bankruptcy case was dismissed.

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19. On 12/1/16, a judgment was entered against Stephen Ko and a writ of possession was issued against Shin J. Byun, Won Han, Sam, Jung Kim, and Stephen Ko.

20. On 12/7/16, Sung's attorney received by facsimile a notice of stay of proceedings filed by Sam. Before 12/7/16, neither Sam nor anyone else had ever notified Sung or Sung's attorneys that Sam had a pending bankruptcy case.

21. On 3/6/17, Sung filed the RFS Motion, which was granted.

22. On 4/17/17, Sung's attorney was notified by the Sheriff's Department that Mario Cristobal De Jesus Garay had filed a claim of right to possession.

Opposition at 3-7. Sung argues that the foreclosure of the property did not violate the automatic stay, highlighting that in the 4/3/17 Order, the Court annulled the automatic stay. Id. at 7. Sung also notes that the automatic stay expired on 9/25/14 under § 362(c)(3)(A) because the First Case was pending but dismissed in the year preceding the Current Case. Opposition at 8. Sung further contends that the Los Angeles Property was not property of the estate because Sam filed the Petition on 8/26/14 at 1:40 p.m. but the grant deed purporting to transfer 10% of the Los Angeles Property to Sam was not recorded on 8/26/14 at 4:27 p.m. Id. And, Sung argues that the Los Angeles Property was not property of the estate because it was foreclosed on by Skyline Owners Association on 12/30/14 and a Certificate of Foreclosure Sale Subject to Redemption was recorded on 1/8/15. Id. Sung asserts that Sam did not notify Sung or Sung's attorney of the bankruptcy and issues regarding recording the TDUS were already addressed in the state court action. Id. at 9-11.

c. Reply

Sam argues that Sung did not respond to his assertion that on 5/20/15, Sung and her attorney disconnected the Key Fob, and about a month later, reconnected it. Reply at 2. According to Sam, even without an automatic stay, Sung should not have disconnected the Key Fob, and Sam will file a

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separate wrongful eviction lawsuit. Id. Sam asserts that Sung and her attorneys are dishonest. Id. According to Sam, he mailed a notice of stay of proceeding on 11/14/16 and filed it on 11/18/16. Id. Sam contends that: "Whether debtor's bankruptcy's [sic] stay was valid or not, Sung[s] attorneys knew about tenants' bankruptcy." Id.

Sam states he notified Sung of his bankruptcy by mailing a notice of bankruptcy to 1400 N. Harbor Blvd. #101, Fullerton, CA 92835 on 4/22/15. Id. Sam also sent priority mail to Sung's attorneys in February 2016. Id. at 3. Sam contends that Sung violated the automatic stay in Stephen Ko's bankruptcy, 15-21578-WB, when it filed an unlawful detainer complaint. Id.

Next, Sam asserts that Sung's 5/18/15 notice to quit was dishonest because it states title was duly perfected, but the title was not duly perfected on 4/20/15. Id. at 3-4. According to Sam, his demurrer was never heard and Sung proceeded with trial. Id. at 4. Further, Sam claims that one of Sung's attorneys, Lisa Yun, is not credible because she stated that she was retained by Sung on 5/13/15 and then quit her job on 5/26/15 based on health reasons. Id. But, Sam discovered that she was still working for other clients after 5/26/15. Id. Sam believes Sung was not happy with Lisa Yun's work, which made Sung look bad, and Donald Yang reconnected the Key Fob, but made a mistake regarding Sam's demurrer. Id. Sam "is suing everyone who're involving this wrongful eviction in Adversary Proceeding." Id.

Last, Sam argues that although Sung mentions Skyline foreclosed on the Los Angeles Property and submitted a certificate of foreclosure sale subject to redemption, which was recorded on 1/8/15. Sung did not present a deed. Homeowner association law provides a 90-day redemption period, Skyline did not provide an accounting, and Sung has not shown proof of Skyline's trustee's deed upon sale. Id. at 5.

III. Legal Standard

a. 11 U.S.C. § 362(k)(1)

Section 362(k)(1) provides that "an individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs

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and attorneys' fees, and in appropriate circumstances, may recover punitive damages." For debtors to recover damages under § 362(k), they must prove the following:

1. A bankruptcy petition was filed;
2. The debtor is an "individual;"
3. The creditor received notice of the petition;
4. The creditor's actions were in willful violation of the stay; and
5. The debtor suffered damages.

In re Williams-Nobles, 459 B.R. 242, 245-46 (Bankr. E.D. Va. 2011). The party seeking damages for violations of the automatic stay bears the burden of proof. In re Salov, 510 B.R. 720, 733 (Bankr. S.D.N.Y. 2014); In re Heflin, 464 B.R. 545, 553 (Bankr. D. Conn. 2011).

b. OSC Regarding Contempt

i. Issuing OSC

An entry of an order to show cause "is an official act of the Court, [and] it is most appropriately used to compel compliance with Court orders or procedures." In re Symka, Inc., 518 B.R. 888, 890 (Bankr. D. Colo. 2014). "Where a party seeks to vindicate a private right, it will rarely be appropriate for the Court to insert itself into a private dispute at a preliminary stage by issuing an order to show cause" Id.

The moving party must make prima facie case for contempt to justify issuing an order to show cause. See In re Craig, 2005 WL 3434771, at *1 (Bankr. N.D. Fla. 2005) ("At the hearing, the Court took evidence from the Debtor to determine whether or not she could produce evidence to establish a *prima facie* case for contempt The facts do not support the issuance of an order to show cause.").

ii. Contempt

Bankruptcy courts may sanction parties who fail to comply with court orders under section 105(a), which provides:

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The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, sua sponte, taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process.

Section 105(a) "allows a court to remedy a violation of a specific order" In re Dyer, 322 F.3d 1178, 1189-90, 1196 (9th Cir. 2003); see Barrientos v. Wells Fargo Bank, N.A., 633 F.3d 1186, 1190 (9th Cir. 2011); In re Hercules Enters., Inc., 387 F.3d 1024, 1027 (9th Cir. 2004); see generally In re Count Liberty, LLC, 370 B.R. 259, 272 (Bankr. C.D. Cal. 2007) (compiling cases). The automatic stay is considered a "specific order" for the purposes of civil contempt. Dyer, 322 F.3d at 1196.

"The standard for finding a party in civil contempt [under § 105(a)] is well settled: The moving party has the burden of showing by clear and convincing evidence that the contemnors violated a specific and definite order of the court." Renwick v. Bennett (In re Bennett), 298 F.3d 1059, 1069 (9th Cir. 2002) (internal quotation marks and citations omitted). The Court "is not required to find that a party willfully or intentionally failed to comply" In re Count Liberty, LLC, 370 B.R. at 273. A party is considered a contemnor if he has notice of a specific and definite court order, In re Dyer, 322 F.3d at 1191, but fails to take "all the reasonable steps within [his] power to insure compliance with the [order]." In re Crystal Palace Gambling Hall, Inc., 817 F.2d 1361, 1365 (9th Cir. 1987). "[T]he focus is not on the subjective beliefs or intent of the contemnors in complying with the order, but whether in fact their conduct complied with the order at issue." In re Dyer, 322 F.3d at 1191 (internal quotation marks omitted).

IV. Analysis

a. Withdrawal

FRBP 9014(c) provides that FRBP 7041 applies to contested matters. FRBP

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7041 provides that Federal Rule of Civil Procedure (FRCP) 41 applies in adversary proceedings. FRCP 41(a)(1) provides that a plaintiff may dismiss an action without a court order by filing: (1) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (2) a stipulation of dismissal signed by all parties who have appeared. FRCP 41(a)(2) provides that except as provided in FRCP 41(a)(1), an action may be dismissed at the plaintiff's request only by court order.

Here, Sung filed the Opposition before Sam filed the Withdrawal, Sam has not provided a stipulation signed by all parties, and Sam has not requested a court order. Therefore, the Withdrawal is not effective, and the Court will analyze the Motion.

b. Section 362(k)

As noted above, for a debtor to recover damages under § 362(k), the debtor must prove five elements. The Court need not address all of the § 362(k) elements, however, because there was no automatic stay in place when Sung purchased the Los Angeles Property (at a 4/20/15 foreclosure auction). On 10/7/13, Sam filed the First Case, In re Lee, 13-34617-SK, which was dismissed on 7/31/14. Sam filed the Current Case on 8/26/14. Because Sam's previous bankruptcy case was pending within a year and was dismissed, a motion to continue the stay must have been filed and heard by 9/25/14. 11 U.S.C. § 362(c)(3)(B). No motion to continue the stay was filed, and therefore, the automatic stay in this case terminated on 9/26/14 pursuant to § 362(c)(3) and Reswick v. Reswick (In re Reswick), 446 B.R. 362 (9th Cir. B.A.P. 2011).

Further, even if there had been an automatic stay in place after 9/25/14, the Court granted the Sung RFS Motion, which included annulment of the stay to the Petition Date. See 4/3/17 Order. Therefore, Sam has not demonstrated that Sung took any actions violating the automatic stay.

c. OSC re: Contempt

As discussed above, Sam has not presented any evidence that Sung violated the automatic stay. Therefore, the Court cannot find that Sam has made a

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prima facie case for the Court to issue an OSC regarding contempt.

V. Conclusion

For the reasons stated above, the Motion is denied. Pursuant to LBR 9021-1 (b), Sung must lodge and serve a proposed order via LOU within seven days of the hearing. Appearances required. Sam must personally appear at this hearing.

Party Information

Debtor(s):

Young Sam Lee

Pro Se

Movant(s):

Young Sam Lee

Pro Se

Trustee(s):

David M Goodrich (TR)

Pro Se

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2:14-21370 Nancy Ann Johnson

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#20.00 Hrg re trustee's application for authority
to employ real estate broker to market and
sell real property consisting of approximately
700 +/- acres located in Blane, Montana

Docket 187

Tentative Ruling:

5/3/17

Appearances required.

Party Information

Debtor(s):

Nancy Ann Johnson

Represented By
Daniel P Hunt
John D Monte

Movant(s):

Elissa Miller (TR)

Represented By
David Seror
Michael W Davis
Nina Z Javan

Trustee(s):

Elissa Miller (TR)

Represented By
David Seror
Michael W Davis
Nina Z Javan

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

9:00 AM

2:15-12692 Aleksandr Goldshtadt

Chapter 7

#21.00 Hrg re chapter 7 trustee's motion for order **ORD. ENT. 4/25/17 CNT'NG**
(1) authorizing sale of real property (2727 **HRG TO 6/14/17 @ 9:00 A.M.**
Cardwell Place, Los Angeles, California 90046)
free and clear of liens, claims and interests,
(2) approving overbid procedures in connection with
proposed sale; (3) confirming sale to third party;
(4) determining that buyer is a good faith purchaser;
(5) waiving the fourteen (14) day stay prescribed by rule
6004(H) of FRBP; and (6) authorizing the withholding and
remittance of estimated state income taxes arising from
the sale

Docket 333

Tentative Ruling:

5/3/17

By stipulation of the parties and order of the Court entered on 4/25/17, this
hearing is continued to 6/7/17 at 9:00 a.m. Appearances waived.

Party Information

Debtor(s):

Aleksandr Goldshtadt

Represented By
David B Golubchik
Ryan A Stubbe
Louis E Kempinsky
John-Patrick M Fritz

Movant(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Asa S Hami
Jessica Vogel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

9:00 AM

CONT... Aleksandr Goldshtadt

Chapter 7

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Asa S Hami
Jessica Vogel

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

9:00 AM

2:15-12692 Aleksandr Goldshtadt

Chapter 7

#22.00 Hrg re chapter 7 trustee's motion for order
(1) authorizing sale of real property (3975 Alla Road,
Los Angeles, California 90066) free and clear of liens,
claims and interests, (2) approving overbid procedures
in connection with proposed sale; (3) confirming sale to
third party; (4) determining that buyer is a good faith purchaser;
(5) waiving the fourteen (14) day stay prescribed by rule
6004(H) of FRBP; and (6) authorizing the withholding and
remittance of estimated state income taxes arising from
the sale

Docket 336

Tentative Ruling:

5/3/17

Appearances required.

Party Information

Debtor(s):

Aleksandr Goldshtadt

Represented By
David B Golubchik
Ryan A Stubbe
Louis E Kempinsky
John-Patrick M Fritz

Movant(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev
Asa S Hami
Jessica Vogel

Trustee(s):

Howard M Ehrenberg (TR)

Represented By
Daniel A Lev

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

9:00 AM

CONT...

Aleksandr Goldshtadt

Asa S Hami
Jessica Vogel

Chapter 7

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

9:30 AM

2:17-11277 Helena Burt-Dupar

Chapter 7

#23.00 Hrg re approval of reaffirmation between
Debtor and Nissan-Infiniti LT

Docket 16

Tentative Ruling:

5/3/17

Appearances required.

Party Information

Debtor(s):

Helena Burt-Dupar

Pro Se

Trustee(s):

David M Goodrich (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sandra Klein, Presiding
Courtroom 1575 Calendar**

Wednesday, May 03, 2017

Hearing Room 1575

9:30 AM

2:17-12343 Jaime Sanchez and Cecelia Sanchez

Chapter 7

#24.00 Hrg re approval of reaffirmation agreement
between Debtor and Carmax Auto Finance

Docket 9

Tentative Ruling:

5/3/17

Appearances required.

Party Information

Debtor(s):

Jaime Sanchez

Represented By
Peter L Lago

Joint Debtor(s):

Cecelia Sanchez

Represented By
Peter L Lago

Trustee(s):

Richard K Diamond (TR)

Pro Se